

SSB 6642 - S AMD 668

By Senators Stevens, Hargrove

ADOPTED 02/13/2004

1 Strike everything after the enacting clause and insert the  
2 following:

3 "Sec. 1. RCW 13.34.067 and 2001 c 332 s 1 are each amended to read  
4 as follows:

5 (1) Following shelter care and no later than twenty-five days prior  
6 to fact-finding, the department (~~(, upon the parent's request or counsel~~  
7 ~~for the parent's request,)) shall facilitate a case conference to  
8 develop and specify in a written service agreement the expectations of  
9 both the department and the parent regarding the care and placement of  
10 the child.~~

11 The department shall invite to the case conference all of the  
12 following who are available: The parents, counsel for the parents, the  
13 foster parents or other out-of-home care provider, caseworker, guardian  
14 ad litem, counselor, or other relevant health care provider, and any  
15 other person connected to the development and well-being of the child.  
16 The department shall notify the parents that they may have up to two  
17 advocates accompany them to the case conference. All available case  
18 conference participants must receive written notice at least seven  
19 business days prior to the case conference date, notifying them of the  
20 date, time, and location of the case conference.

21 The initial written service agreement expectations must correlate  
22 with the court's findings at the shelter care hearing. The written  
23 service agreement must set forth specific criteria that enables the  
24 court to measure the performance of both the department and the parent,  
25 and must be updated throughout the dependency process to reflect  
26 changes in expectations. The service agreement must serve as the  
27 unifying document for all expectations established in the department's  
28 various case planning and case management documents and the findings  
29 and orders of the court during dependency proceedings.

1 The court shall review the written service agreement at each stage  
2 of the dependency proceedings and evaluate the performance of both the  
3 department and the parent for consistent, measurable progress in  
4 complying with the expectations identified in the agreement.

5 The case conference agreement must be agreed to and signed by the  
6 parties. The court shall not consider the content of the discussions  
7 at the case conference at the time of the fact-finding hearing for the  
8 purposes of establishing that the child is a dependent child, and the  
9 court shall not consider any documents or written materials presented  
10 at the case conference but not incorporated into the case conference  
11 agreement, unless the documents or written materials were prepared for  
12 purposes other than or as a result of the case conference and are  
13 otherwise admissible under the rules of evidence.

14 (2) At any other stage in a dependency proceeding, the department,  
15 upon the parent's request, shall facilitate a case conference.

16 **Sec. 2.** RCW 13.34.062 and 2001 c 332 s 2 are each amended to read  
17 as follows:

18 (1) The written notice of custody and rights required by RCW  
19 13.34.060 shall be in substantially the following form:

20 "NOTICE

21 Your child has been placed in temporary custody under the  
22 supervision of Child Protective Services (or other person or agency).  
23 You have important legal rights and you must take steps to protect your  
24 interests.

25 1. A court hearing will be held before a judge within 72 hours of  
26 the time your child is taken into custody excluding Saturdays, Sundays,  
27 and holidays. You should call the court at  (insert appropriate  
28 phone number here) for specific information about the date, time,  
29 and location of the court hearing.

30 2. You have the right to have a lawyer represent you at the  
31 hearing. Your right to representation continues after the shelter care  
32 hearing. You have the right to records the department intends to rely  
33 upon. A lawyer can look at the files in your case, talk to child  
34 protective services and other agencies, tell you about the law, help  
35 you understand your rights, and help you at hearings. If you cannot

1 afford a lawyer, the court will appoint one to represent you. To get  
2 a court-appointed lawyer you must contact: (explain local  
3 procedure).

4 3. At the hearing, you have the right to speak on your own behalf,  
5 to introduce evidence, to examine witnesses, and to receive a decision  
6 based solely on the evidence presented to the judge.

7 4. If your hearing occurs before a court commissioner, you have the  
8 right to have the decision of the court commissioner reviewed by a  
9 superior court judge. To obtain that review, you must, within ten days  
10 after the entry of the decision of the court commissioner, file with  
11 the court a motion for revision of the decision, as provided in RCW  
12 2.24.050.

13 You should be present at any shelter care hearing. If you do not  
14 come, the judge will not hear what you have to say.

15 You may call the Child Protective Services' caseworker for more  
16 information about your child. The caseworker's name and telephone  
17 number are: (insert name and telephone number).

18 5. You (~~(may request that the department facilitate)~~) have a right  
19 to a case conference facilitated by the department to develop a written  
20 service agreement following the shelter care hearing. The service  
21 agreement may not conflict with the court's order of shelter care. You  
22 may request that a multidisciplinary team, family group conference, or  
23 prognostic staffing(~~(, or case conference)~~) be convened for your  
24 child's case. You may participate in these processes with your counsel  
25 present."

26 Upon receipt of the written notice, the parent, guardian, or legal  
27 custodian shall acknowledge such notice by signing a receipt prepared  
28 by child protective services. If the parent, guardian, or legal  
29 custodian does not sign the receipt, the reason for lack of a signature  
30 shall be written on the receipt. The receipt shall be made a part of  
31 the court's file in the dependency action.

32 If after making reasonable efforts to provide notification, child  
33 protective services is unable to determine the whereabouts of the  
34 parents, guardian, or legal custodian, the notice shall be delivered or  
35 sent to the last known address of the parent, guardian, or legal  
36 custodian.

1 (2) If child protective services is not required to give notice  
2 under RCW 13.34.060(2) and subsection (1) of this section, the juvenile  
3 court counselor assigned to the matter shall make all reasonable  
4 efforts to advise the parents, guardian, or legal custodian of the time  
5 and place of any shelter care hearing, request that they be present,  
6 and inform them of their basic rights as provided in RCW 13.34.090.

7 (3) Reasonable efforts to advise and to give notice, as required in  
8 RCW 13.34.060(2) and subsections (1) and (2) of this section, shall  
9 include, at a minimum, investigation of the whereabouts of the parent,  
10 guardian, or legal custodian. If such reasonable efforts are not  
11 successful, or the parent, guardian, or legal custodian does not appear  
12 at the shelter care hearing, the petitioner shall testify at the  
13 hearing or state in a declaration:

14 (a) The efforts made to investigate the whereabouts of, and to  
15 advise, the parent, guardian, or legal custodian; and

16 (b) Whether actual advice of rights was made, to whom it was made,  
17 and how it was made, including the substance of any oral communication  
18 or copies of written materials used.

19 (4) The court shall hear evidence regarding notice given to, and  
20 efforts to notify, the parent, guardian, or legal custodian and shall  
21 examine the need for shelter care. The court shall hear evidence  
22 regarding the efforts made to place the child with a relative. The  
23 court shall make an express finding as to whether the notice required  
24 under RCW 13.34.060(2) and subsections (1) and (2) of this section was  
25 given to the parent, guardian, or legal custodian. All parties have  
26 the right to present testimony to the court regarding the need or lack  
27 of need for shelter care. Hearsay evidence before the court regarding  
28 the need or lack of need for shelter care must be supported by sworn  
29 testimony, affidavit, or declaration of the person offering such  
30 evidence.

31 (5) A shelter care order issued pursuant to RCW 13.34.065 may be  
32 amended at any time with notice and hearing thereon. The shelter care  
33 decision of placement shall be modified only upon a showing of change  
34 in circumstances. No child may be placed in shelter care for longer  
35 than thirty days without an order, signed by the judge, authorizing  
36 continued shelter care.

1 (6) Any parent, guardian, or legal custodian who for good cause is  
2 unable to attend the initial shelter care hearing may request that a  
3 subsequent shelter care hearing be scheduled. The request shall be  
4 made to the clerk of the court where the petition is filed prior to the  
5 initial shelter care hearing. Upon the request of the parent, the  
6 court shall schedule the hearing within seventy-two hours of the  
7 request, excluding Saturdays, Sundays, and holidays. The clerk shall  
8 notify all other parties of the hearing by any reasonable means.

9 **Sec. 3.** RCW 13.34.094 and 2001 c 332 s 6 are each amended to read  
10 as follows:

11 The department shall, within existing resources, provide to parents  
12 requesting or participating in a multidisciplinary team, family group  
13 conference, case conference, or prognostic staffing(~~(, or case~~  
14 ~~conference,)~~) information that describes these processes prior to the  
15 processes being undertaken."

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16 On page 1, line 2 of the title, after "hearings;" strike the  
17 remainder of the title and insert "and amending RCW 13.34.067,  
18 13.34.062, and 13.34.094."

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